

FORM SUMMARY

Name of Form:	Waiver of Stayed Delinquency Dispositional Order and Order Lifting Stay
Form Number:	JD-1750
Statutory Reference:	Wis. Stats. §938.34(16)
Benchbook Reference:	JV 8
Purpose of Form:	To allow a juvenile to waive the right to a hearing when the supervising agency is asking the court to lift the stay of a dispositional order, and when lifting the stay will not result in the juvenile being moved from an in home to an out of home placement.
Who Completes It:	Caseworker and juvenile; order signed by circuit judge.
Distribution of Form:	Original to court, caseworker will probably retain a copy for the juvenile's file and for the juvenile.
Accompanying Forms:	Generally none, unless the entire dispositional order had been stayed. If that was done, a copy of the dispositional order that is being reimposed should be attached.
New Form/Modification:	Modification, new form 05/00.
Modifications:	Modified those portions of the form that allowed for an in home to out of home placement without a hearing.
Comments:	<p>Section 938.34(16) allows a court in a delinquency case to stay all or a portion of the dispositional order. This is similar to the criminal court authority to impose and stay a sentence.</p> <p>If the juvenile violates the dispositional order, the court can lift the stay and have the original conditions imposed. For example, if the court imposed and stayed a firearms restriction on the juvenile, that stay could be lifted without a hearing, if the juvenile signs this form. The juvenile has a right to a hearing if requested. If the juvenile is placed in his or her home, the lifting of a stay which moves the juvenile to an out of home placement requires a hearing, and the juvenile may not waive that hearing. Secure detention is an example of out of home placement.</p> <p>The form provides the flexibility for the court to determine precisely how many of the stayed conditions should be imposed. It also indicates that although the caseworker and juvenile may request specific conditions be imposed, a judge is not bound by that agreement.</p>
About this form:	<p>This form is the product of the Wisconsin Records Management Committee, a committee of the Director of State Court's Office and a mandate of the Wisconsin Judicial Conference.</p> <p>If you have additional information that does not change the meaning of the form, attach it on a separate page. The form itself shall not be altered.</p>